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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LAURA MARTINEZ,)	CASE NO. 2:09-cv-01354-RLH-RJJ
)	
Plaintiff,)	
v.)	
)	
ERIC K. SHINSEKI, SECRETARY)	UNOPPOSED MOTION TO AMEND
DEPARTMENT OF VETERANS AFFAIRS,)	DISCOVERY PLAN AND
)	SCHEDULING ORDER EXTENDING
Defendant.)	DISCOVERY PERIOD
)	

COMES NOW Eric K. Shinseki, Secretary Department of Veterans Affairs, the Federal Defendant herein, by and through Daniel G. Bogden, United States Attorney, and Rimantas A. Rukstele, Assistant United States Attorney for the District of Nevada, and requests the instant agreed upon and Unopposed Motion to Amend Discovery Plan and Scheduling Order Extending Discovery Period be granted. The parties request the discovery period be extended for a period of ninety days, from January 25, 2011, to April 25, 2011.

1 In support of the instant Unopposed Motion, the Federal
2 Defendant submits as follows:

3 1. Plaintiff's Complaint involves employment discrimination
4 and alleges retaliation and the failure to provide reasonable
5 accommodation brought pursuant to the Rehabilitation Act.

6 2. Plaintiff is a resident of Las Vegas, Nevada. Her
7 attorney, Frank DeMelfi, resides and practices in Atlanta, Georgia,
8 with the law firm of Melville Johnson, P.C.

9 3. Mr. DeMelfi is in the process of leaving the law firm and
10 will no longer be representing Plaintiff in this case. The case is
11 expected to be assigned to Michael C. Bennett, another member of
12 the law firm. Mr. Bennett is in the process of filing the
13 appropriate documentation to obtain this Court's approval of
14 representing Plaintiff in this District Court.

15 4. As a result, Mr. Bennett needs additional time to review
16 an extensive administrative file, evaluate the case, and begin
17 representing Plaintiff. The requested extension of the discovery
18 deadline will allow Mr. Bennett to familiarize himself with the
19 details of the case.

20 5. Government counsel has been consumed with a jury trial in
21 Phoenix, has just recently returned to Las Vegas from the District
22 of Arizona, and would also request the extension of the discovery
23 period.

24 6. Government counsel has spoken to Mr. DeMelfi and to Mr.
25 Bennett, both of whom agreed the undersigned file the instant
26 . . .

1 motion as an accommodation to Plaintiff's counsel seeking the
2 requested extension.

3 7. This Motion is filed in good faith and not for purposes
4 of delay.

5 The Amended Discovery Plan and Scheduling Order will be as
6 follows:

7 1. Discovery Cutoff Date. April 25, 2011.

8 2. Pretrial Order. The deadline for filing the Joint
9 Pretrial Order shall be May 25, 2011, thirty (30) days after the
10 date set for filing dispositive motions. In the event dispositive
11 motions are filed, however, the date for filing a Joint Pretrial
12 Order shall be suspended until thirty (30) days after the decision
13 regarding any dispositive motions or upon further order of the
14 Court.

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1 WHEREFORE, for these reasons, the Federal Defendant requests
2 the instant Unopposed Motion be granted.

3 Dated: this 15th day of December, 2010.

4 Respectfully submitted,

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/Ray Rukstele
8 RIMANTAS A. RUKSTELE
9 Assistant United States
10 Attorney

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12 IT IS SO ORDERED:

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14 UNITED STATES MAGISTRATE JUDGE

15 DATE: DEC. 23, 2010
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